

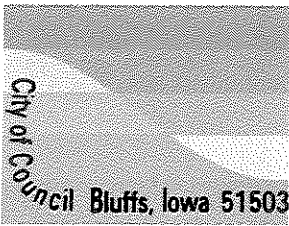
OFFICE OF:  
CITY CLERK  
(712) 328-4616

## **AGENDA**

### **CITY COUNCIL STUDY SESSION COUNCIL CHAMBERS MONDAY, August 25, 2008 3:45 P.M.**

#### **A. Review of Agenda**





COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA  
REGULAR MEETING AUGUST 25, 2008 7:00 P.M.  
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL  
209 PEARL STREET

OFFICE OF:  
CITY CLERK  
(712) 328-4616

**AGENDA**

**1. PLEDGE OF ALLEGIANCE**

**2. CALL TO ORDER**

**3. CONSENT AGENDA**

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the August 11, 2008 regular Council meeting
- C. Ordinance 6006, amending the zoning map by changing the district designation of property located at #4 Elliott Street from its present designation as R-1/Single Family residential to R-3/Low Density Multi-Family Residential
- D. Resolution 08-243, intent to vacate a 13, 562 square foot portion of South 7<sup>th</sup> Street right-of-way abutting 2910 South 7<sup>th</sup> Street, City of Council Bluffs and setting public hearing for September 8, 2008 at 7:00 p.m.
- E. Resolution 08-244, intent to dispose of City property described as a 6.37 acre parcel, being part of Lot 5, Auditor's Subdivision of the NW1/4 SW ¼ and part of Lot 5, Auditor's Subdivision of the SW ¼ NW1/4 all in Section 32-75-43 and setting public hearing for September 8, 2008 at 7:00 p.m.
- F. Resolution 08-245, intent to dispose of City property legally described as Lot 243, Twin Cities Plaza and setting public hearing for September 8, 2008 at 7:00 p.m.
- G. Resolution 08-246, requesting the City Clerk to publish notice and set date for public hearing on September 8, 2008 at 7:00 p.m. for assessing of costs for securing certain buildings within the City of Council Bluffs
- H. Resolution 08-247, setting public hearing for September 8, 2008 at 7:00 p.m. to hear the plans, specifications, form of contract and cost estimate for the US Highway 275 street lighting project

**4. ORDINANCES ON SECOND READING:**

- A. Ordinance 6009, amending the effective date for Ordinance No. 5986, passed and approved on April 14, 2008 and to amend Section 3 of Ordinance No. 6000 "Repealer", passed and approved on June 23, 2008

**5. ORDINANCES ON FIRST READING:**

- A. Ordinance 6010, amending Chapter 8.18 "Curfew" of the Municipal Code by amending Section 8.18.030 "Definitions", to remove the reference to the specific state code section in the definition of "Emancipated minor"



- B. Ordinance 6011, repealing Ordinance 5299 which approved the tax increment financing district for the East Broadway Urban Renewal Area

**6. RESOLUTIONS:**

- A. Resolution 08-248, adopting a Planned Commercial Development Plan for the Wedge Action Sports Complex on Lot 2, Wedge Resort Subdivision, located along the west side of Mid-America Drive, south of 23<sup>rd</sup> Avenue
- B. Resolution 08-249, authorizing the Mayor to execute the first addendum to the agreement for private development between the City of Council Bluffs, Iowa and Council Bluffs Retirement, LLC
- C. Resolution 08-250, repealing the East Broadway Urban Renewal Plan and Area
- D. Resolution 08-251, setting dates of a consultation and public hearing on proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan for the City of Council Bluffs, Iowa
- E. Resolution 08-252, accepting work of MFT Construction in connection with the 10<sup>th</sup> Avenue Storm Sewer Improvements and authorizing the Interim Finance Director to issue a City check in the amount of \$16,958.92
- F. Resolution 08-253, authorizing the Mayor to execute a non-binding letter of intent to enter a development agreement by and between the City of Council Bluffs and Continental Iowa Outlets, LLC for the use of urban renewal and other assistance (*Note: letter of intent not available at time of printing*)
- G. Resolution 08-254, authorizing the Mayor and City Clerk to execute an agreement with Eriksen Construction Company, Inc., for the digester cover repair project

**7. LETTERS FROM CITIZENS:**

- A. Received 8/19/2008 at 9:33 a.m., from Tom Hirschert

**8. RECEIVE AND FILE ITEMS:**

- A. List of Bills, July 31, 2008
- B. Cash Balance Statement, July 31, 2008
- C. Five Notices of Claim/Loss
- D. 10 Notices of Expiration of Right of Redemption
  - 403 Stutsman
  - 241 Elder Street
  - 614 Damon Street
  - 3513 Avenue D
  - 2430 5<sup>th</sup> Avenue
  - 1809 Avenue A
  - 750 West Washington
  - 1412 Avenue M
  - 3024 Avenue C
  - 1402 Avenue M
- E. One Notice of Appeal, Property Tax Assessment, 1600 McPhearson

**9. APPLICATIONS FOR PERMITS AND CANCELLATIONS:**

- A. Application for Renewal of Liquor License:
  - a) Atherton Automotive, 2900 W Broadway
  - b) Big K Mart, 2803 Kanesville
  - c) D & J's Fuel Stop, 430 35<sup>th</sup> Street
  - g) La Mesa, 3036 S Expressway
  - h) MidAmerica Center, 1 Arena Way
  - i) Pilot Travel, 2647 S 24<sup>th</sup> Street

- d) Godfather's Pizza, 3020 W Broadway
- e) Godfather's Pizza, 34 Pearl Street
- f) Jonesy's Taco House, 1117 16th Ave
- j) Sam's Club, 3221 Manawa Centre Dr.
- k) Sinclair Retail, 1305 N. 25<sup>th</sup> Street
- l) Wal-Mart, 3200 Manawa Drive

B. Applications for Temporary Liquor License (5 day):

- a) Hy-Vee #2 Oktoberfest, 1745 Madison Ave
- b) Holy Family Catholic, 2231 Avenue B

C. Application for New Liquor License:

- a) Uncle Mike & Maggie's Irish Pub, 315 North 16<sup>th</sup> Street  
*(formerly Billy Cole's Memories)*

D. Application for Special Event:

- a) Scott Street Pub, outdoor service, (Jaycee's Annual Street Dance)
- b) J & M Displays, Fireworks, September 12 Pedestrian Bridge Opening

E. Applications for Cigarette/Tobacco Permit:

- a) I-80 Liquor & Tobacco, Inc., 2411 S 24<sup>th</sup> Street
- b) Sam's Club, 3221 Manawa Centre
- c) Wal Mart, 3201 Manawa Drive

**10. CITIZENS REQUEST TO BE HEARD:**

- A. Tom Hirschert, T's Tavern

**11. ADJOURNMENT**

## **Record of Proceedings**

---

<b>CALL TO ORDER</b>	A regular meeting of the Council Bluffs City Council was called to order Monday, August 11, 2008 at 7:00 p.m.
<b>ATTENDANCE</b>	Present: Council members Scott Belt, Lynne Branigan, Matt Schultz, Matt Walsh, and Mayor Tom Hanafan. Absent: Council member Darren Bates. Staff present: City Attorney Dick Wade and City Clerk Judith Ridgeley
<b>CONSENT AGENDA</b>	Belt and Walsh moved and seconded approval of the Consent Agenda as presented: Unanimous
<b>PUBLIC HEARINGS</b> Ordinance 6006	Held public hearing regarding Ordinance 6006, rezoning from R-1 to R-3 at #4 Elliott Street. Mr. Mike Van Sickley, 24148 Sumac Road, Neola, spoke in favor of the rezoning. Belt and Branigan moved and seconded approval of Ordinance 6006. Unanimous
Resolution 08-236	Held public hearing regarding Resolution 08-236 to approve the plans, specification, form of contract and cost estimate for the US 275/Missouri River Stormwater Pump Station. Belt and Branigan moved and seconded approval of Resolution 08-236. Unanimous
<b>ORDINANCES ON SECOND READING</b>	Belt and Schultz moved and seconded approval of Ordinance 6008, amending Title 4 "Health and Sanitation" of the Municipal Code by enacting a new Chapter 4.21 entitled "Urban Deer Management Program". Unanimous. Walsh and Schultz moved and seconded to waive third reading of Ordinance 6008. Unanimous
<b>ORDINANCES ON FIRST READING</b>	Belt and Walsh moved and seconded approval of Ordinance 6009, amending Ordinance 5986 and Ordinance 6000. Unanimous
<b>RESOLUTIONS</b> Resolution 08-237	Belt and Schultz moved and seconded approval of Resolution 08-237, adopting the Records Retention Manual for Iowa Cities. Unanimous
Resolution 08-238	Branigan and Belt moved and seconded approval of Resolution 08-238, approving the use of the 2009 Community Development Block Grant Funds and directing the mayor to submit the Annual Plan to the City of Omaha and the U.S. Department of Housing and Urban Development. Unanimous
Resolution 08-240	Walsh and Schultz moved and seconded approval of Resolution 08-240, splitting the job duties of the Public Works Director/City Engineer position into two separate positions and amending the budget to fund the new position. Unanimous
Resolution 08-241	Belt and Branigan moved and seconded to authorize the purchase of property from CHP Corporation. Unanimous
Resolution 08-242	Walsh and Schultz moved and seconded to authorize an addendum to the agreement between the City and ATB Services Company LLC, in connection with the administration of the City's false alarm program. 3 Aye, 1 Nay (Belt)
<b>MAYOR'S APPOINTMENTS</b>	Walsh and Branigan moved and seconded to concur with the

**RECORD OF PROCEEDINGS**

Mayor's appointments to the Building Board of Appeals and the Board of Library Trustees. Unanimous

**RECEIVE AND FILE ITEMS**

Belt and Branigan moved and seconded to receive and file the following: Two notices of claim/loss; one offer to buy City property (4011 Rawlins Drive); one Notice of Voluntary Settlement; and six Notices of Appeal from Board of Review. Unanimous

**APPLICATIONS FOR PERMITS  
OR CANCELLATIONS**

Belt and Branigan moved and seconded approval of the following applications:

New liquor license for Hooters; renewal of liquor license for Do Rock Inn, application for cigarette permit for K Mart #3097; and special event permit for Blues Amusements. Unanimous

**ADJOURNMENT**

There being no further business, Belt and Walsh moved and seconded to adjourn the meeting at 7:10 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Judith H. Ridgeley, City Clerk

## Council Communication

Department: Community Development <b>Case No. ZC-08-010</b> Applicant: Mike Van Sickle Bethany Lutheran Home 7 Elliott St Council Bluffs, IA 51503	Ordinance No. <u>6006</u>	City Council: 7/28/08 Planning Commission: 7/08/08 First Reading: <u>7/28/2008</u> Public Hearing: <u>8/11/2008</u> Third Reading: <u>8/25/2008</u>
--	---------------------------	---

### Subject/Title

Rezone #4 Elliott Street, described as Lot 4 and the south 20.5' of Lot 3, Block 1, Besley's Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-family Residential to create additional off-street parking for Bethany Lutheran Home.

### Background/Discussion

Bethany Lutheran Home has an option to purchase a 120' by 80' lot (9,600 square foot) across Elliott Street from the facility in order to create needed off-street parking. The subject land is zoned R-1 Single Family Residential. Parking lots are not a permitted use in that zoning district. The applicant looked at several alternatives before applying for the rezoning. Parking is permitted along the north side of Elliott but the street is narrow and steep resulting in safety concerns from both neighbors and visitors. Existing buildings and grade issues prevent additional parking on the site. Bethany is trying to acquire another lot to the west as shown on the attachment. There are 60 apartments in the assisted living facility and a 121 bed nursing home. In addition to staff and visitors, nursing students are on the campus for internships/training.

Current Zoning and Land Use - The subject property and the land to east, west and north are zoned R-1/Single Family Residential as shown on the attached map. Bethany Lutheran Home, zoned R-3/Low Density Multi-family Residential, is on the south side of Elliott. No comments were received from adjacent property owners regarding this request.

MidAmerican Energy has three phase overhead electric lines along the north side of Elliott. Depending on the amount of grading, the poles will need to be adjusted to maintain proper clearance and support. All costs to modify the facilities will be the responsibility of Bethany. No estimate of the cost can be made until the extent of the grading is known.

The proposed rezoning is generally consistent with the 1994 Comprehensive Plan which shows the Bethany property on the south side of Elliott for multi-family use. It is a reasonable extension of the adjacent zoning.

### Recommendation

The Community Development Department recommends rezoning Lot 4 and the south 20.5' of Lot 3, Block 1, Besley's Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-Residential for the reasons cited above.

### Public Hearing

Mike VanSickle, representing Bethany Lutheran Home, #7 Elliott Street, appeared before the Planning Commission in favor of the request. No one appeared in opposition to the request

### Planning Commission Recommendation

The Planning Commission recommends rezoning Lot 4 and the South 20.5' of Lot 3, Block 1, Besley's Subdivision from R-1/Single Family residential to R-3/Low Density Multi-family Residential for the reasons cited in the staff report.

VOTE: AYE 11    NAY 0    ABSTAIN 0    ABSENT 0    VACANT 0    Motion: Carried

Attachments: Zoning Map & Parking Lot Layout

Prepared by: Gayle M. Malmquist, Development Services Coordinator

3 C

# PROOF OF PUBLICATION

STATE OF IOWA  
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 30th day of July, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 7th day of August, A.D. 2008.

**NOTICE OF PUBLIC HEARING  
ON PROPOSED REZONING OF PROPERTY  
TO WHOM IT MAY CONCERN:**

You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a public hearing on a proposed ordinance to amend the zoning map of the City of Council Bluffs, Iowa, by changing the district designation of certain grounds, property and premises located at #4 Elliott Street, legally described as follows:

Lot 4 and the south 20.5' of Lot 3, Block 1, Besley's Subdivision, Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-1/Single Family Residential to R-3/Low Density Multi-family Residential, as set forth and defined in Chapters 15.08B and 15.10 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

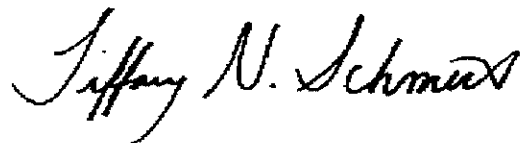
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the 11th day of August 2008, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, IA 51503, at which time and place all persons interested in said matter will be given an opportunity to be heard.

JUDITH RIDGELEY, City Clerk  
Planning Case No. ZC-08-010

2008 (7) 30 - 1 Wednesday



Amy McKay  
Daily Nonpareil Controller



Tiffany N. Schmitt  
Notary Public

Filed this 7th day of August, A.D. 2008.  
Publication Cost: \$ 15.10



Customer Number: 35700

Order Number: 20192389



---

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

---

ORDINANCE NO. 6006

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED AT #4 ELLIOTT STREET, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-1/SINGLE FAMILY RESIDENTIAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.10 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located at #4 Elliott Street, as shown on the Attachments, and legally described as follows:

Lot 4 and the south 20.5' of Lot 3, Block 1, Besley's Subdivision, Council Bluffs,  
Pottawattamie County, Iowa,

from its present designation as R-1/Single Family Residential to R-3/Low Density Multi-family

Residential, as set forth and defined in Chapters 15.08B and 15.10 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND  
APPROVED August 25, 2008

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest: \_\_\_\_\_  
JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: July 28, 2008  
SECOND CONSIDERATION: August 11, 2008  
PUBLIC HEARING: August 11, 2008  
THIRD CONSIDERATION: August 25, 2008

Planning Case No. ZC-08-010

## Council Communication

Department: Community Development <b>Case No. SAV-08-008</b> Applicant: Blue Beacon Intl Inc. Rep. - Dana Morse 800 Graves Blvd. Salina, KS 67401	Resolution of Intent No. <u>08-243</u>  Resolution to Dispose No. _____	City Council: August 25, 2008  Planning Commission: August 12, 2008
<b>Subject/Title</b>  Blue Beacon International requests vacation of 13,562 square feet of South 7 <sup>th</sup> Street right-of-way abutting 2910 South 7 <sup>th</sup> Street as shown in Attachment 'A'. Blue Beacon intends to relocate their truck wash from Sapp Brothers to Larry's Diesel property owned by Larry and Gloria South.		
<b>Background/Discussion</b>  Blue Beacon International Inc. has an agreement to purchase Larry's Diesel at 2910 South 7 <sup>th</sup> Street in order to relocate their current truck washing operation from Sapp Brothers. When the initial plans were reviewed by Public Works, the curb cuts required to handle truck access exceeded the maximum width allowed with City standards, so vacation of the abutting right-of-way was suggested. If vacated, the street would dead-end, so a turn-around for emergency vehicles is needed. Blue Beacon needs the entire width of the right-of-way in order to accommodate the turning radius of the trucks that will be using the site. The right-of-way is 120' wide and a hammerhead turn-around as shown on Attachment 'B' can be constructed within the right-of-way. The cost of constructing the turn-around to City standards is the responsibility of the applicant.  City policy is to notify abutting landowners of vacation requests to determine their interest in acquiring half of the property, if vacated. Enterprise Rent-a-Car and a cell tower are located on the property addressed at 3001 South 7 <sup>th</sup> Street, owned by Ainsworth Photo-Printing Inc. They favor the vacation and wish to purchase their portion, even though it does not appear to either benefit or negatively impact their operation. The area to be vacated abuts 75' along the northern tip of their land. The remaining 338' abuts the property Blue Beacon wishes to acquire. Blue Beacon cannot proceed without acquiring the entire vacated right-of-way.  The Community Development Department has agreed to advise the Iowa Department of Transportation (IDOT) of all development within a defined area so they can assess potential impacts to the Interstate reconstruction project within the City. IDOT notes the potential for construction and permanent maintenance easements in the future. If there are no utility relocations then the right-of-way needs are minimal. IDOT is not opposed to the vacation and will be informed of any future building permit applications on the site.  The Water Works has a 12" main crossing the subject property to connect along South 7 <sup>th</sup> Street on both sides of the Interstate. The main must be kept in service and the easement retained. Structures cannot be built over the easement. Aquila (Black Hills Energy) has a 2" high-pressure gas line that serves only Larry's Diesel. All costs incurred to relocate the gas line will be borne by the owner, with easements as necessary provided at no cost to the utility.		

Vacation and conveyance of the entire right-of-way to the applicant is consistent with the guidelines within the *Policy and Procedures for Alley, Street and Right-of-way Vacations* as adopted by City Council on August 25, 2003.

1. No abutting property owner will be deprived of required and reasonable access to their property.
2. South 7<sup>th</sup> was dead-ended with Interstate construction. Vacation will shorten the length of the dead-end street and cause construction of a turn-around built to City standards.
3. A potentially dangerous traffic condition will be reduced, resulting in decreased liability to the City in the form of damages, injury and or maintenance.
4. Granting the vacation as requested will ensure adequate vehicular circulation.
5. The street is not identified for reconstruction on any city improvement project or adopted plan.
6. The vacation request is consistent with the goals and objectives of the Comprehensive Plan.

#### **Recommendation**

The Community Development Department recommends vacating and conveying the entire portion of South 7<sup>th</sup> Street right-of way, as shown on Attachment 'A', to the applicant, subject to the following conditions:

1. Easements for all utilities shall be retained.
2. The vacated right-of-way shall be conveyed by City deed to the owner, heirs and assigns for the amount as determined by the adopted fee schedule, upon completion of the proposed street improvement and acceptance and dedication of those improvements by the Public Works Department.

#### **Public Hearing**

Dana Morse, representing Blue Beacon International, Inc. appeared before the Planning Commission in favor of the request. Jeff Coats, 535 West Broadway, Suite 200, Council Bluffs, IA, representing Ainsworth Photo-Printing appeared in opposition.

#### **Planning Commission Recommendation**

The Planning Commission recommends vacating and conveying the entire portion of South 7<sup>th</sup> Street right-of-way to the applicant, Blue Beacon International subject to the conditions in the staff report.

VOTE: AYE 8    NAY 1    ABSTAIN 0    ABSENT 2    Motion: Carried

Attachments 'A', and 'B' and letter from Jeffrey Coats

Prepared by: Gayle M. Malmquist, Development Services Coordinator

# CASE #SAV-08-008 ATTACHMENT A

## RIGHT OF WAY VACATION DESCRIPTION

A PART OF S. 7TH STREET RIGHT OF WAY BEING A PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12; THENCE SOUTH 15°59'57" WEST ALONG THE WEST LINE THEREOF 687.75 FEET; THENCE SOUTH 87°55'41" EAST 305.48 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID 7TH STREET SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTHEASTERLY WHOSE RADIUS IS 1970.00 FEET, LINE AND ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1970.00 FEET, WHOSE ARC LENGTH IS 119.96 FEET, AND WHOSE CHORD BEARS NORTH 20°06'56" WEST, 119.94 FEET TO THE NORTHWESTERLY CORNER OF SAID S. 7TH STREET RIGHT OF WAY; THENCE NORTH 71°37'44" EAST ALONG THE NORTHERLY LINE OF SAID S. 7TH STREET RIGHT OF WAY, 98.81 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 1-80 RAMP B; THENCE SOUTH 48°17'23" EAST ALONG SAID RAMP B RIGHT OF WAY, 43.24 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID S. 7TH STREET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1850.00 FEET; WHOSE ARC LENGTH IS 75.17 FEET, AND WHOSE CHORD BEARS SOUTH 20°41'46" EAST, 75.16 FEET; THENCE SOUTH 68°08'24" WEST, 120.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.31 ACRES (13,562 SQ. FT.) MORE OR LESS.

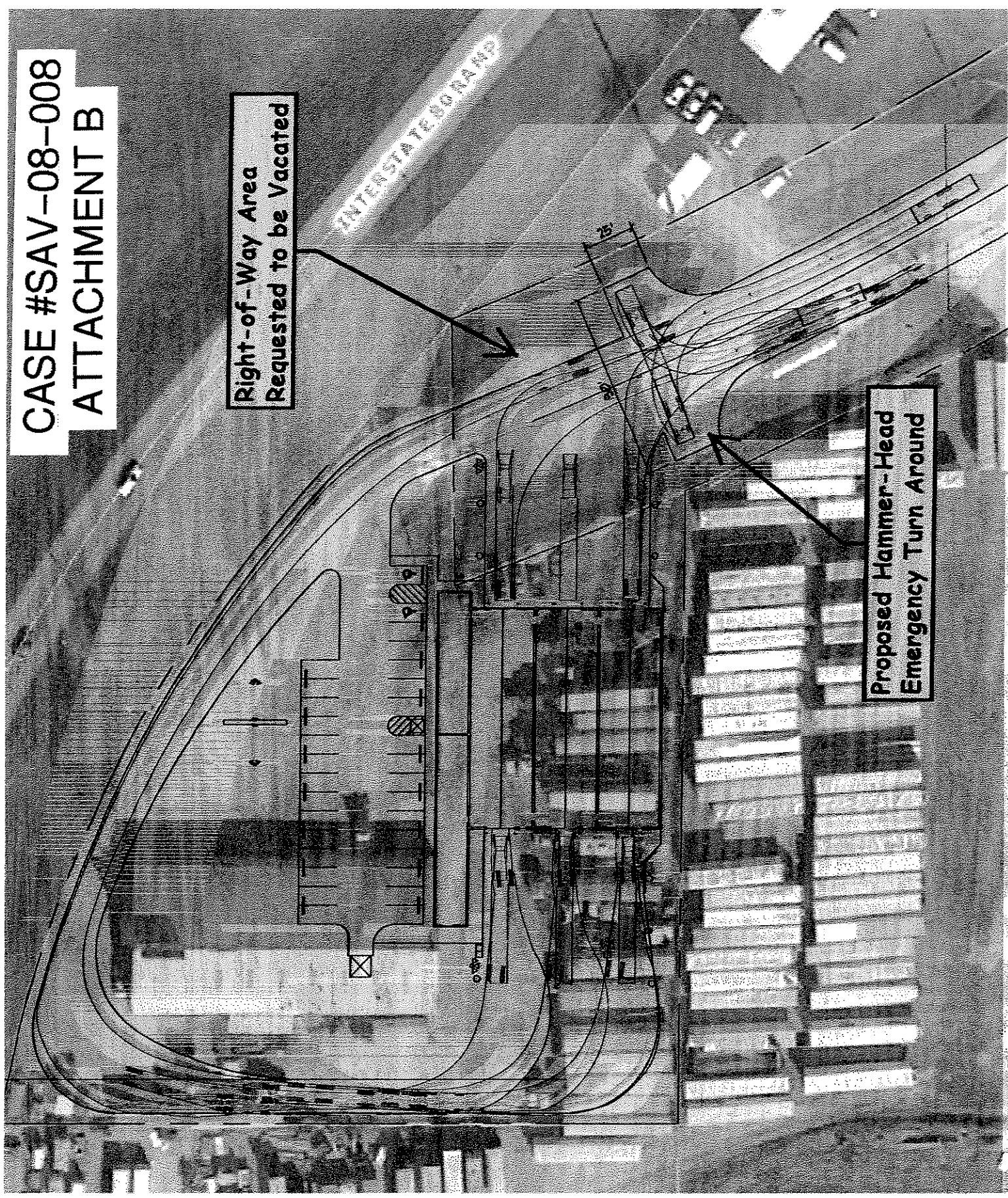




CASE #SAV-08-008  
ATTACHMENT B

Right-of-Way Area  
Requested to be Vacated

Proposed Hammer-Head  
Emergency Turn Around



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-243

A RESOLUTION OF INTENT TO VACATE A 13,562 SQUARE FOOT PORTION OF SOUTH 7<sup>TH</sup> STREET RIGHT-OF-WAY ABUTTING 2910 SOUTH 7<sup>TH</sup> STREET, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Blue Beacon International, Inc. requests vacation of a 13,562 square foot portion of South 7<sup>th</sup> Street right-of-way abutting 2910 South 7<sup>th</sup> Street as described on attached Exhibit 'A'; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to consider disposition of the above described City property; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for September 8, 2008.

ADOPTED

AND

APPROVED: August 25, 2008

Thomas P. Hanafan

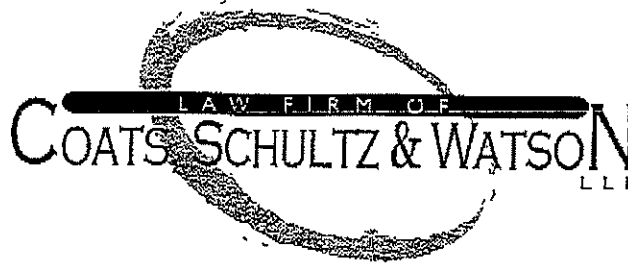
Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

535 West Broadway, Ste 200  
P.O. Box 646  
Council Bluffs, IA 51502  
Office: (712) 322-0448  
Fax: (712) 256-1545  
www.cswllp.com



No. 1209 P. 2  
Jeffrey A. Coats ‡ \*  
Matthew D. Schultz ‡  
James A. Watson C.P.A. ‡ \*

OF COUNSEL  
Anthony C. Metcalfe J.D. M.D. \*  
Donald F. Coats, JR. ‡ \*  
‡ Licensed in Iowa  
\* Licensed in Nebraska  
\* Licensed in Arizona

August 6, 2008

VIA FACSIMILE  
(712) 328-4915

Gayle Malmquist  
Development Services Coordinator  
Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503

RE: CASE #SAV-08-008

Dear Ms. Malmquist:

With this letter I would like to give you an update on the status of the Blue Beacon and Ainsworth Photo-Printing, Inc. discussions. At this point no agreement has been made between the parties. As a result, the Community Development Department should proceed with the understanding that Ainsworth Photo-Printing, Inc. does wish to purchase the portion of the Right-of-Way area to be vacated that adjoins my Clients property.

Also, I think you are correct that the exact square footage should be determined by a survey so the appropriate purchase price can be calculated in accordance with the City Code. If there is a change in the above state position I will contact you immediately. Please let me know if there are questions.

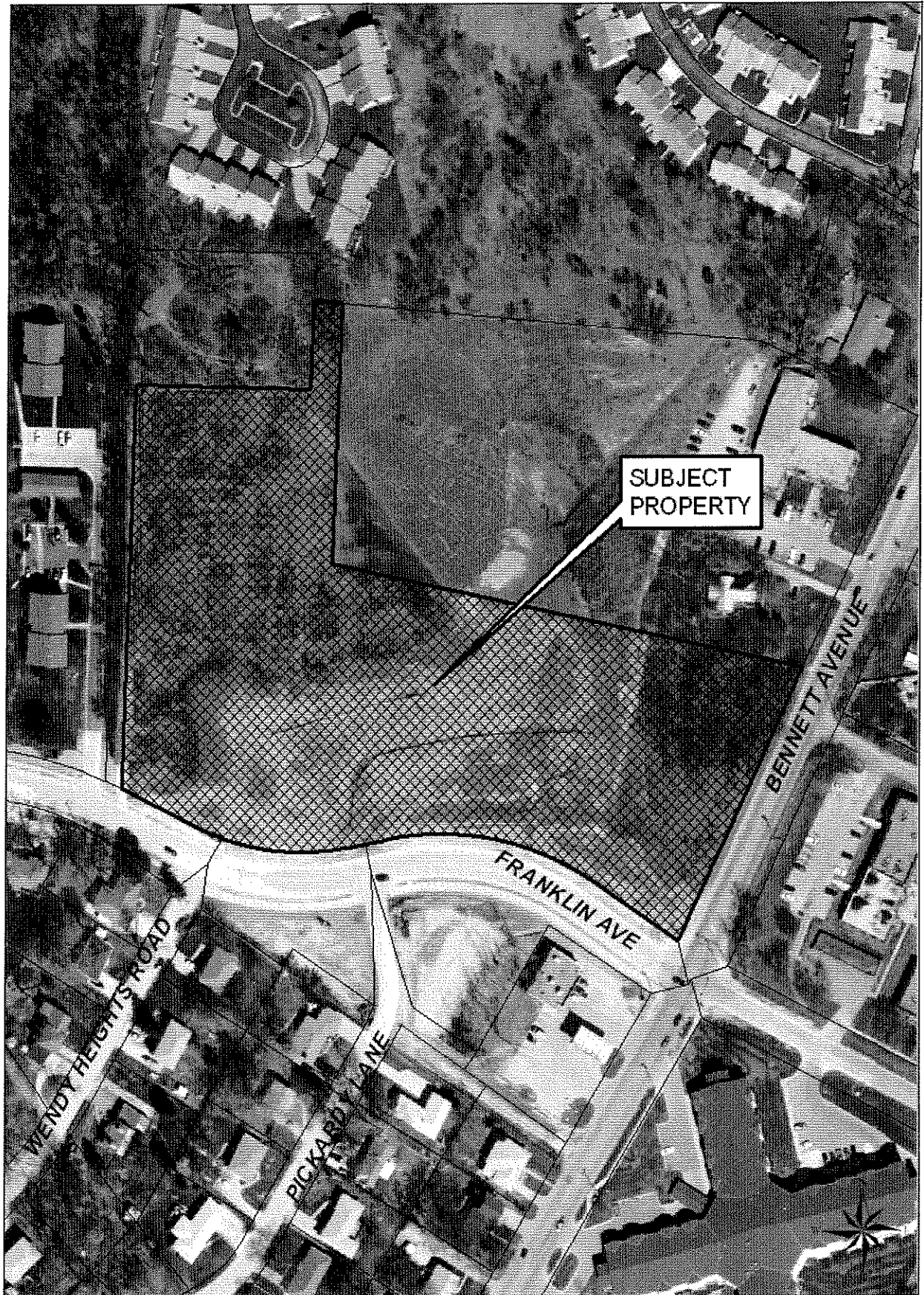
Sincerely,

Jeffrey A. Coats  
Attorney at Law



### Council Communication

Department: Community Development  Offer To Buy City Property  Applicant: Cardinal Capital Management, Inc.	Resolution of Intent No. <u>08-244</u>  Resolution to Dispose No. _____	Set Public Hearing: 08/25/08  Public Hearing: 09/08/08
<b>Subject/Title</b> Request of Cardinal Capital Management, Inc. to purchase a 6.37 acre parcel, being part of Lot 5, Auditor's Subdivision of the NW1/4 SW1/4 and part of Lot 5, Auditor's Subdivision of the SW1/4 NW1/4 all in Section 32-75-43, located at the northwesterly corner of Bennett and (relocated) Franklin Avenues.		
<b>Background/Discussion</b> <p>Cardinal Capital Management, Inc. (CCM) has submitted an offer to buy on the City owned property located at northwesterly corner of Bennett and Franklin Avenues, which is currently zoned AP/Administrative Professional. They propose to construct a 32 unit low income housing project specifically designed for the deaf, hard of hearing and deaf/blind seniors. The project will consist of both one and two bedroom units.</p> <p>The proposed project is a collaboration between CCM and Deaf Northwest, a nonprofit organization dedicated to bringing housing and services to deaf seniors. CCM will also be collaborating with a number of other agencies for services and advocacy on the project, including the Iowa School for the Deaf, the Deaf Services Commission of Iowa, Communication Services for the Deaf and the Omaha Deaf Senior Citizens Group of Omaha.</p> <p>CCM has been in business since 2004 and has a track record of successful acquisition/rehabilitation projects in Wisconsin and Iowa. They also have constructed similar projects to the one proposed in Council Bluffs in Wisconsin and Arizona. The entire project is estimated to cost over \$5.4 million and includes a wide variety of funding sources, including low income housing tax credits from the Iowa Finance Authority, HOME funds from the Iowa Department of Economic Development, private foundation funds and private developer funds.</p> <p>As of this writing, staff has not developed a recommendation relative to the sale of the property for City Council consideration. However, before any action can be taken a public hearing must be held on the request. Staff is suggesting September 8, 2008 as the public hearing date. A recommendation relative to the sale of the property, price and terms will be provided prior to the hearing date.</p>		
<b>Recommendation</b> The Community Development Department recommends that this item be scheduled for public hearing on September 8, 2008.		
<b>Attachment:</b> Location map. <b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department		



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-244

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS A 6.37 ACRE PARCEL, BEING PART OF LOT 5, AUDITOR'S SUBDIVISION OF THE NW1/4 SW1/4 AND PART OF LOT 5, AUDITOR'S SUBDIVISION OF THE SW1/4 NW1/4 ALL IN SECTION 32-75-43.

WHEREAS, the City has received an offer to buy a 6.37 acre parcel, being part of Lot 5, Auditor's Subdivision of the NW1/4 SW1/4 and part of Lot 5, Auditor's Subdivision of the SW1/4 NW1/4 all in Section 32-75-43, located at the northwesterly corner of Bennett and (relocated) Franklin Avenues, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property and recommend that the City enter into a purchase agreement with Cardinal Capital.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property described as a 6.37 acre parcel, being part of Lot 5, Auditor's Subdivision of the NW1/4 SW1/4 and part of Lot 5, Auditor's Subdivision of the SW1/4 NW1/4 all in Section 32-75-43, located at the northwesterly corner of Bennett and (relocated) Franklin Avenues, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for September 8, 2008.

ADOPTED  
AND

APPROVED: August 25, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

## Council Communication

<b>Department:</b> Community Development  <b>Offer To Buy City Property</b>  <b>Applicant:</b> Community Housing Investment Corporation	<b>Resolution of Intent No.</b> <u>08-245</u>  <b>Resolution to Dispose No.</b> _____	<b>Set Public Hearing:</b> 08/25/08  <b>Public Hearing:</b> 09/08/08
<b>Subject/Title</b>		
Request of Community Housing Investment Corporation to purchase 4011 Rawlins Drive (Legal Description: Lot 243, Twin Cities Plaza).		
<b>Background/Discussion</b>		
<p>Community Housing Investment Corporation (CHIC) has submitted an Offer to Buy the City owned property at 4011 Rawlins Drive, legally described as Lot 243, Twin Cities Plaza. The City acquired the property after it was abandoned by the previous owner. The total cost incurred by the City is estimated to be \$5,125.00.</p> <p>CHIC would like to purchase the property, construct a new single family structure and sell it to a buyer qualified under Infill and HUD guidelines within 12 months.</p> <p>This property measures 56 feet by 105 feet and is zoned R-1/Single Family Residential.</p>		
<b>Recommendation</b>		
The Community Development Department recommends disposal of Lot 243, Twin Cities Plaza to CHIC for the sum of \$5,125.00 plus any outstanding levies on the property.		
<b>Attachment:</b> Picture and location map. <b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department		

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-245

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 243, TWIN CITIES PLAZA.

WHEREAS, the City has received an offer to buy 4011 Rawlins Drive, legally described as Lot 243, Twin Cities Plaza, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property under the terms and conditions set forth in the offer to buy.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property legally described as Lot 243, Twin Cities Plaza, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for September 8, 2008.

ADOPTED

AND

APPROVED: August 25, 2008

Thomas P. Hanafan

Mayor

ATTEST:

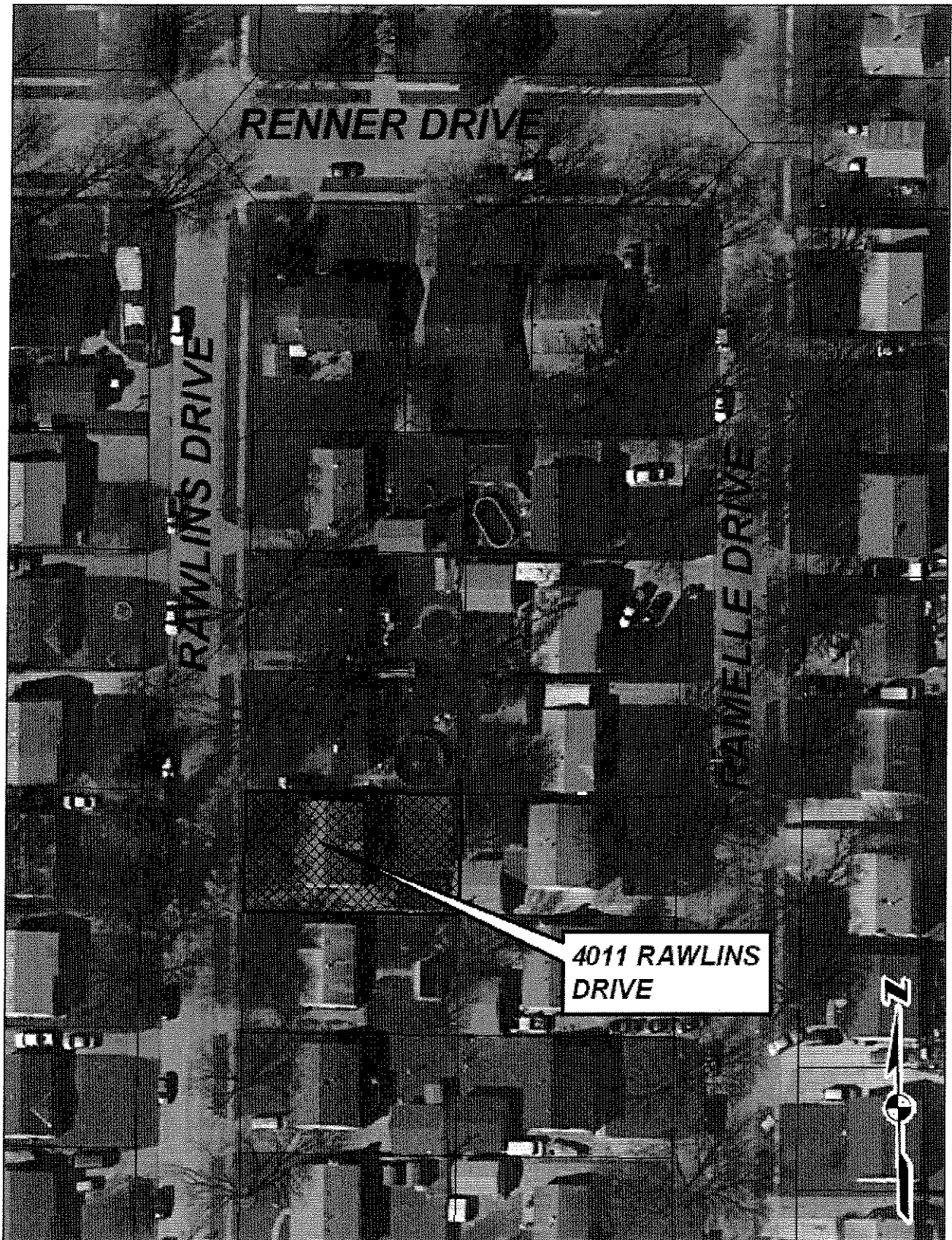
Judith H. Ridgeley

City Clerk





# OFFER TO BUY - CHIC



## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: \_\_\_\_\_  
Applicant \_\_\_\_\_

Ordinance No. \_\_\_\_\_  
Resolution No. 08-246

Date: August 25, 2008

### SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on September 8, 2008, for Assessing of Costs for Securing Certain Buildings within the City.

### BACKGROUND/DISCUSSION

- The Building Division found certain vacant and unsecured buildings that were not being maintained by the owners. These buildings were not in compliance with Chapter 8.54 of the Municipal Code. The Building Division abated the nuisance according to code by contracting the buildings to be secured.
- The Contractor was paid from the General Fund.
- For a procedure of assessment of the abated nuisance, we are doing it in accordance to the *Uniform Code for the Abatement of Dangerous Buildings* as adopted and amended, a requirement is made that when the City Clerk receives an Account of Expense Report, then the City Council is to set a date for public hearing. Also, all objections or protests must be filed with the City Clerk **PRIOR** to the public hearing.
- These properties were declared a nuisance that had certain building which were secured as follows:

Property Address	Addition	Blk	Lot	Parcel #	Charged	%10 Admin Fee	Total	Done
306 Lori Lane	Heartland Heights	Phase II	39	7443 06 128 021	\$249.65	\$24.97	\$274.61	07/27/08
306 Lori Lane	Heartland Heights	Phase II	39	7443 06 128 021	\$111.43	\$11.15	\$122.58	08/07/08

### RECOMMENDATION

Approval of this resolution

30



Gary L. Bemis

1306 N 20th Street  
Council Bluffs, IA 51501

# Invoice

*ML*

Date	Invoice #
7/27/2008	23

Bill To
City of Council Bluffs, IA Office of the Building Official 209 Pearl Street Council Bluffs, IA 51503-4923

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
3	Labor to secure a home at 306 Lori Lane three hrs. one man	35.00	105.00
2	plywood to secure basement door,back door and front door	32.00	64.00
1	one lb. of 2 inch wood screws	5.65	5.65
	service call	75.00	75.00
Thank you for your business		<b>Total</b>	<b>\$249.65</b>

Gary L. Bemis

1306 N 20th Street  
Council Bluffs, IA 51501

# Invoice

Date	Invoice #
8/7/2008	25

Bill To
City of Council Bluffs, IA Office of the Building Official 209 Pearl Street Council Bluffs, IA 51503-4923

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
1	Labor to secure a home at 306 Lori Lane one hr. one man	35.00	35.00
0.5	2 1/2 inch star drive screws so owner could not remove plywood, secure three windows	2.85	1.43
	Service call	75.00	75.00
Thank you for your business		<b>Total</b>	<b>\$111.43</b>

**RESOLUTION**  
**NO. 08-246**

**RESOLUTION REQUESTING THE CITY CLERK TO PUBLISH NOTICE  
AND SET A DATE FOR PUBLIC HEARING ON THE ASSESSING OF COSTS  
FOR SECURING CERTAIN BUILDINGS WITHIN THE  
CITY OF COUNCIL BLUFFS, IOWA**

- WHEREAS: the Building Division of the Public Works Department of the City of Council Bluffs, Iowa, has contracted for the securing of certain buildings; and
- WHEREAS: the City now desires to assess the costs for this project back to the property that had buildings that were secured; and
- WHEREAS: the Building Division requests that the City Clerk publish the Notice and set the date of Public Hearing for September 8, 2008 at 7:00 p.m. in the Council Bluffs Council Chambers of City Hall.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk will publish the Notice and set the date of Public Hearing for September 8, 2008, at 7:00 p.m. in the Council Bluffs Council Chambers of City Hall for the assessment of the costs for certain projects back to the properties that had buildings that were secured.

ADOPTED

AND

APPROVED: August 25, 2008

---

Thomas P. Hanafan, Mayor

ATTEST:

---

Judith Ridgeley, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. \_\_\_\_\_ Date: August 25, 2008  
Case/Project No.: FY08-06C & FY09-06A Resolution No. 08-247  
Applicant \_\_\_\_\_

### SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on September 8, 2008 for the US Hwy 275 Street Lighting.

### BACKGROUND/DISCUSSION

- The Iowa Department of Transportation has undertaken three projects to completely rebuild US Hwy 275 for the Missouri River to I-29 through the City of Council Bluffs. The project involves replacement of the 2 lane roadway with a new 4 lane divided roadway and service roads.
- The first two IDOT projects are complete and the third and final project will be constructed in 2008.
- The City of Council Bluffs will be responsible for providing and maintaining street lighting on the new 4 lane divided roadway and service roads.
- The roadway completed to date has removed all old street lighting and the area is very dark and offers an unsafe condition for the motoring public.
- On those areas where portions of the new 4 lane roadway and service roads have been constructed the City proposes to construct street lighting. The city created two projects to accomplish this work. Project FY08-06C covers work from South Expressway to 24<sup>th</sup> St.. Project FY09-06A covers work from 24<sup>th</sup> St. to the Missouri River. Due to IDOT 275 construction phasing both projects will be constructed under FY08-06C in 2009.
- The project will provide street lighting from 24<sup>th</sup> Street east to the east I-29 ramps utilizing steel poles and underground power spaced at approximately 200' on center on both sides of the road. In the more rural section west of 24<sup>th</sup> Street the project will provide street lighting at the intersections of Hwy 275 at Council Point Road and So. 36<sup>th</sup> Street.
- The project will install a total of ninety- four (94) street lights.
- The project schedule is to set the Public Hearing August 25, 2008; Hold Public Hearing September 8, 2008; Letting October 2, 2008; and Award at the October 13, 2008, council meeting.
- Project FY08-08C is in the 2008 CIP and is funded with \$600,000 in general obligation bond funds. Project FY09-06A is in the 2009 CIP and funded with \$500,000 in sales taxes funds.

### RECOMMENDATION

Approval of this resolution.

**RESOLUTION**

**No. 08-247**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND COST ESTIMATE FOR THE  
US HWY 275 STREET LIGHTING  
FY08-08C & FY09-06A**

WHEREAS, the City wishes to make improvements known as the  
US Hwy 275 Street Lighting, within the City, as therein  
described; and

WHEREAS, the plans, specifications, form of contract and cost  
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications,  
form of contract and cost estimate for the US Hwy 275 Street Lighting setting September  
8, 2008, at 7:00 p.m. as the date and time of said hearing.

ADOPTED

AND

APPROVED: August 25, 2008

---

Thomas P. Hanafan, Mayor

ATTEST:

---

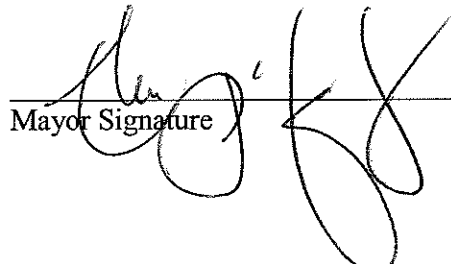
Judith Ridgeley, City Clerk

## Council Communication

Department:	Ordinance No.	
Case/Project No.	Resolution No. <u>6009</u>	Date: <u>August 11, 2008</u>
<b>Subject/Title</b> AN ORDINANCE to amend the effective date for Ordinance No. 5986, passed and approved on April 14, 2008, and to amend Section 3 of Ordinance No. 6000 "Repealer", passed and approved on June 23, 2008.		
<b>Background/Discussion</b> Due to a change by the Iowa Legislature, local jurisdictions that issue plumbing and mechanical licenses must continue to do so until June 30, 2009. Several ordinances were passed prior to this change by the Legislature, and we have previously corrected those items. Lexis-Nexis, the company that publishes the municipal code, brought these additional items to our attention and assisted in the necessary corrections.		
<b>Recommendation</b> Pass this ordinance in order to clean up issues, prior to publication by Lexis-Nexis.		

Dick Wade

\_\_\_\_\_  
Department Head Signature

  
\_\_\_\_\_  
Mayor Signature

ORDINANCE NO. 6009

AN ORDINANCE to amend the effective date for Ordinance No. 5986, passed and approved on April 14, 2008, and to amend Section 3 of Ordinance No. 6000 "Repealer", passed and approved on June 23, 2008.

WHEREAS, due to a change by the Iowa Legislature, local jurisdictions that issue Plumbing and Mechanical licenses must continue to do so until June 30, 2009; and

WHEREAS, Chapter 13.10, "Licensing of the Mechanical Trade" of the 2005 Municipal Code of Council Bluffs, Iowa, should remain in effect until July 1, 2009.

B E I T O R D A I N E D  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

**SECTION 1.** That the effective date for Ordinance No. 5986, passed and approved on April 14, 2008, be and the same is hereby amended to July 1, 2009.

**SECTION 2.** That Section 3 of Ordinance No. 6000, passed and approved on June 23, 2008, be and the same is hereby amended to read as follows:

"Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND  
APPROVED \_\_\_\_\_

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
JUDITH RIDGELEY City Clerk

First Consideration: August 11, 2008

Second Consideration: August 25, 2008

Third Consideration: \_\_\_\_\_



## Council Communication

Department:	Ordinance No. <u>6010</u>	First Reading <u>8/25/2008</u>
Case/Project No.	Resolution No. _____	Second Reading _____
Third Reading _____		
<b>Subject/Title</b>		
<p>AN ORDINANCE to amend Chapter 8.18 "Curfew" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 8.18.030 "Definitions", to remove the reference to the specific state code section in the definition of "Emancipated minor".</p>		
<b>Background/Discussion</b>		
<p>It was brought to my attention at a recent code enforcement meeting, that the state code section referenced in the definition of "emancipated minor" was incorrect in the municipal code. The purpose of this ordinance is to remove the reference to the specific state code section.</p>		
<b>Recommendation</b>		
<p>Approve the ordinance amending the definition of "emancipated minor" contained in Section 8.18.030.</p>		

Don Bauermeister, Asst. City Attorney

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

5 A

ORDINANCE NO. 6010

AN ORDINANCE to amend Chapter 8.18 "Curfew" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 8.18.030 "Definitions", to remove the reference to the specific state code section in the definition of "Emancipated minor".

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 8.18 "Curfew", of the 2005 Municipal Code of Council Bluffs, Iowa,

be and the same is hereby amended by amending Section 8.18.030 "Definitions", to read as

follows:

"8.18.030 Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Legitimate parentally approved errand" means a minor performing a necessary task at the direction of the minor's parent, that the nonperformance of until non-curfew hours would result in an injury or undue hardship.

(2) "Assembly" means any gathering of persons for a religious, political, economic or cultural purpose with supervision designed to keep the focus of activity on the purpose for the assembly. For example, the mayor provides adequate supervision at a city council meeting as does a minister at a church service; as does a moderator at a cultural event and a chairperson at an organized labor or political event. The term supervision does not require the presence of chaperons whose sole purpose for presence at the assembly is to supervise teenagers.

(3) "Emancipated minor" means a minor who no longer has a "parent-child relationship" as defined by ~~Section 600A.2(3),~~ in the Code of Iowa.

(4) "Minor" means any person under the age of eighteen (18).

(5) "Parent" means biological parents, a guardian or custodian appointed by the courts, or an adult who has accepted the role of parent at the request of the biological parent, guardian, or custodian.

(6) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

(7) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(8) "Street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic."

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5384, Section 1, (1998).

**SECTION 3. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2008  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest: \_\_\_\_\_  
JUDITH RIDGELEY City Clerk

First Consideration: August 25, 2008

Second Consideration: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Third Consideration: \_\_\_\_\_

### Council Communication

Department: Community Development Department	Resolution No. _____ Ordinance No. <u>6011</u>	City Council: 8/25/08
<b>Subject/Title</b> Repeal of the East Broadway Urban Renewal Plan, Area and Ordinance.		
<b>Background/Discussion</b> <p>On November 18, 1996, City Council adopted Resolution No. 96-274, which created the East Broadway Urban Renewal Plan and corresponding area. This area was established for 10 years. Subsequent to the adoption of the plan and area, City Council approved Ordinance No. 5299 on November 21, 1996 which established the TIF district.</p> <p>As a result of the urban renewal area and TIF district, Walgreens was constructed and a vacant grocery store redeveloped. TIF funds were used to assist with the cost of property acquisition. The City's obligations contained in the development agreement have now been satisfied; and no additional debt will be certified in the district. Therefore, the urban renewal plan, area, ordinance and accompanying TIF district should be repealed. A corresponding resolution and ordinance have been prepared undertaking such actions and are attached for your review and consideration.</p>		
<b>Recommendation</b> That City Council adopt a resolution repealing the East Broadway Urban Renewal Plan, and Area and an ordinance repealing the East Broadway TIF district, effective immediately.		
Prepared by: Donald D. Gross, Director		

5 B

**ORDINANCE NO. 6011**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 5299 WHICH APPROVED THE TAX INCREMENT FINANCING DISTRICT FOR THE EAST BROADWAY URBAN RENEWAL AREA.**

- WHEREAS,** On November 21, 1996, Ordinance No. 5299 was passed by City Council approving the TIF district for the East Broadway Urban Renewal Area; and
- WHEREAS,** this TIF district was created to assist with the redevelopment of a two block area in the vicinity of East Broadway and Frank Street; and
- WHEREAS,** this project has been implemented, City obligations satisfied; and no additional debt will be certified; and
- WHEREAS,** pursuant to Section 403 of the Code of Iowa and after study and consideration, it is the opinion of this City Council that Ordinance No. 5299 which approved the TIF district for the East Broadway Urban Renewal Area should be repealed.

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That Ordinance No. 5299 passed and approved November 21, 1996, be repealed, effective immediately.

ADOPTED  
AND  
APPROVED: \_\_\_\_\_, 2008

\_\_\_\_\_  
Thomas P. Hanafan                      Mayor

ATTEST: \_\_\_\_\_  
Judith H. Ridgeley                      City Clerk

First Consideration:  
Second Consideration:  
Public Hearing:  
Third Consideration: